

REMARKS

This application is the U.S. national phase, pursuant to 35 U.S.C. §371, of international application No. PCT/GB2003/004131, published in English on April 1, 2004 as international publication No. WO 2004/027662 A1, which claims the benefit of British application Ser. No. GB 022514.0, filed September 17, 2002 and British application Ser. No. GB 0310692.9, filed May 9, 2003. Page 1 of the specification has been amended to reflect this information.

Reconsideration of the above identified application in view of the preceding amendments and following remarks is respectfully requested. Claims 27-29, 32-41, 44-46 and 48-55 are pending in this application. By this Amendment, Applicants have cancelled Claims 30, 31, 42, 43 and 47 without prejudice, amended Claims 27, 36, 38, 39, and 51, and added new Claims 52-55. The claim amendments were made to more precisely define the invention in accordance with 35 U.S.C. 112, paragraph 2. These amendments have not been necessitated by the need to distinguish the present invention from any prior art. It is respectfully submitted that no new matter has been introduced by these amendments, as support therefor is found throughout the specification and drawings.

Applicant's representative would like to thank Examiner Goldman for the courtesies extended during our telephone conversation in which we discussed the status of a Preliminary Amendment filed March 14, 2005 and for renumbering the claims in accordance with customary practice.

In the Office Action, Claims 27, 28, 33, 34, 35, 39, 40, 45, 46 and 51 were rejected under 35 U.S.C. §102(e) over U.S. Patent No. 7,155,405 to Petrovich. The Examiner's grounds for rejection are herewith traversed, and reconsideration is respectfully requested.

Petrovich discloses a system comprising a database 1000 including an association of unique device IDs of a plurality of portable devices with the names of device owners and a communication module that transmits a message to a mobile device.

In contrast, Claim 27 recites, *inter alia*, a system for delivering a barcode including a database for storing the display capabilities and picture messaging protocols of mobile devices, a message optimiser that generates an optimised message responsive to said message data and the stored display capabilities and picture messaging protocols corresponding to said mobile device type identifier, wherein the coupon comprises a barcode image and the message optimiser generates said optimised message by downgrading said message data responsive to said stored display capabilities and picture messaging protocols. Petrovich does not disclose or suggest such a structural configuration. Accordingly, Claim 27 and each of the claims depending therefrom distinguish the subject invention from Petrovich and withdrawal of the rejection is respectfully requested.

Turning to Claim 39, it recites, *inter alia*, a method for delivering a message to a mobile device including the steps of storing display capabilities and picture messaging protocols of mobile devices, generating an optimised message responsive to said message data and to the stored display capabilities and picture messaging protocols corresponding to said mobile device type identifier, and transmitting said optimised message to said mobile device, wherein said coupon comprises a barcode image, and said step of generating an optimised message comprises downgrading said message data responsive to said stored display capabilities and picture messaging protocols. Petrovich does not disclose or suggest such steps. Claim 51 for a computer-readable medium recites similar limitations. Accordingly, Claims 39, 51 and each of the claims depending therefrom distinguish the subject invention from Petrovich and

withdrawal of the rejection is respectfully requested.

In the Office Action, Claims 29, 30-32, 36-38, 41-44 and 47-50 were rejected under 35 U.S.C. § 103 (a) over Petrovich alone or in view of U.S. Patent No. 7,305,442 to Lundy or Lundy in further view of U.S. Patent No. 6,868,426 to Mankoff. The Examiner's grounds for rejection are herewith traversed, and reconsideration is respectfully requested.

It is respectfully submitted that neither Lundy nor Mankoff nor the facts of the Official Notice, alone or in combination, cures the deficiencies noted above with respect to Petrovich and, therefore, the Claims 29, 30-32, 36-38, 41-44 and 47-50 patentably distinguish over the art of record and an action acknowledging the same is respectfully requested.

Additionally, the Examiner took Official Notice that several limitations of the claims were old and well-known in the prior art. The applicant hereby seasonably traverses such Official Notice and requests evidence in support of same in the event that the rejections are maintained.

Any additional fees or overpayments due as a result of filing the present paper may be applied to Deposit Account No. 04-1105. It is respectfully submitted that all of the claims now remaining in this application are in condition for allowance, and such action is earnestly solicited.

If after reviewing this amendment, the Examiner believes that a telephone interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth herein below.

Respectfully submitted,

Date: November 24, 2008


George N. Chacras, Reg. No. 46,608
Edwards Angell Palmer & Dodge LLP
Attorney for Applicants
P.O. Box 55874
Boston, MA 02205
Tel: (401) 276-6653
Fax: (888) 325-1684
Email: gchacras@edwardsangell.com